

REMARKS

In response to the above-identified Office Action, claims 1-4 have been amended to more accurately claim applicant's invention and to place the claims in more conventional U.S. format. The scope of the claims is intended to be the same as the original claims.

New claims 8 and 9 have been added to more specifically claim the means for moving the upper frame toward and away from the lower frame of the apparatus for extending food dough of the invention. Support for claims 8 and 9 can be found, for example, on page 8, lines 2-19 and in Figs. 1 and 3. Finally, claims 5-7 have been cancelled.

Applicant's invention as set forth in main claim 1, relates to an apparatus for extending food dough comprising

a lower frame having a food-conveying member to convey food dough in one generally horizontal direction,

an upper frame located above the lower frame,

a cluster of a plurality of extending rollers located within the upper frame, said extending rollers being arranged to be endless and rotatable and in cooperation with the food-conveying member to extend food dough conveyed by the food-conveying member, and

means for moving the upper frame toward and away from the lower frame so that the cluster of the plurality of extending rollers can be moved vertically away from the food-conveying member.

A significant feature of applicant's apparatus and that which distinguishes it from the cited prior art is the means for moving the upper frame of the apparatus that

contains the cluster of the plurality of extending rollers toward and away from the lower frame that contains the food-conveying member, so that the cluster of extending rollers can be moved vertically away from the food-conveying member. As taught in the specification, this permits the food-conveying member as well as the extending rollers to be more readily cleaned. See, for example, page 2, lines 9-11, page 7, last three lines, or page 10, last paragraph.

In the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) for being obvious over Hayashi in view of Morikawa and Iwama. Iwama is U.S. Patent No. 5,002,711 and relates to a totally different apparatus, namely a machine for making a concrete product. It is not discussed in the body of the rejection, it is not cited in the form PTO 892, nor is it mentioned in paragraph 4 on page 3 of the Office Action. Thus it is believed the reference to "Iwama (5,002,711)" is in error and the ground of the rejection is simply Hayashi in view of Morikawa.

Both of these references also relate to apparatus for extending food dough and both belong to the assignee of the present application. Moreover, the inventor here is the same inventor listed in the Morikawa reference. Thus the applicant is very familiar with the teachings of both of these references.

What is missing from both of these references is any mechanism or means for moving the upper frame containing the cluster of rollers 5 in both references toward and away from the lower frame containing the food-conveying members so that the cluster of rollers can be moved vertically away from the food-conveying members. The frame containing the clusters of rollers in both references can be moved horizontally to finely adjust the distance between the rollers and the conveying belts and conveying rollers

due to the circular trajectory of the clusters of rollers (e.g., distances Ta and Tc), but not vertically. In addition, neither reference shows the specific pivotal mounting of the upper frame to the lower frame as set forth in claims 8 and 9 to achieve this objective.

Since the combination of references relied on to establish a prima facie case of obviousness must show or suggest all of the features of the claimed device and neither of the references show the claimed means for moving the upper frame toward and away from the lower frame, it is submitted the claims cannot be considered obvious over Hayashi in view of Morikawa. M.P.E.P. § 2143. Their withdrawal as a ground of rejection of the claims is therefore requested.

It is believed claims 1-4, 8 and 9 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

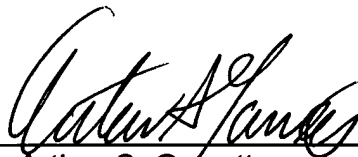
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

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By: _____



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